**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Cr.Misc. No.8489 of 2008**
**DR.MRITUNJAY PRASAD SINGH**
**Versus**
**STATE OF BIHAR**
---

**09. 19.08.2008** Heard learned counsel for the petitioner, State as well as the informant.

Petitioner is an accused in a case for the offences registered under Sections 304/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that the allegation against the petitioner is to the effect that he advised the informant who was taking treatment of his brother in the clinic of this petitioner for last 18-20 days for the complaint of piles. As such, this petitioner alleged to have advised that for better treatment and operation, the brother of the informant be taken to Ma Gayatri Hospital Mohania where the specialist doctor from Varanasi would be called to perform the operation. The further allegation is to the effect that this petitioner alongwith four co-accused who were said to be doctor went inside the operation theatre and the informant and his other relatives remained waiting outside the operation theatre for the result of the operation. However, one after the other all the accused persons went away from the operation theatre, thereafter the informant went inside

WEB COPY NOT OFFICIAL

and found one nurse only who said that for better treatment the patient should be taken to Varanasi and while taking to Varanasi the brother of the informant died.

Learned counsel for the petitioner submits that there is neither any specific allegation against this petitioner of performing the operation nor any material against him in connection with the operation. He further submits that two other co-accused namely Santosh Kr. Singh @ Dr. S.K. Singh and Dr. Kiran Goswami who were also alleged to be present inside the operation theatre has been allowed anticipatory bail by this court vide order dated 29.07.2008 passed in Cr. Misc. No. 8118 of 2008 with analogous cases.

WEB COPY NOT OFFICIAL

Learned counsel appearing on behalf of the informant, on the other hand, submits that it is the petitioner who assured the informant that for better treatment and operation he should take his brother to Ma Gayatri Hospital Mohania and on his assurance he took his brother to the said hospital. However, the operation was performed by co-accused in operation theatre and all of them left one by one as such petitioner is not entitled to anticipatory bail.

Learned counsel for the State submits

that it is on account of this petitioner the informant had taken his brother to Ma Gayatri Hospital, Mohania where the operation was not done by any specialist from Varanasi as assured by the petitioner.

Considering the submissions as made above, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, namely, Dr. Mritunjay Prasad Singh be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 341 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

WEB COPY NOT OFFICIAL

**Jagdish/-** **( Shailesh Kumar Sinha,J.)**